

ALBANIAN HELSINKI COMMITTEE

REPORT

*The Albanian Helsinki Committee's activities**

May-August 2003

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in the context of the AHC's Project "Diversity and coexistence of minorities and communities in Albania - a significant factor for the stability in the region".***

* This report contains information only on some activities carried out during the period maj-june. After August 15, 2003, other information will follow.

PUBLIC STATEMENTS

CONCERNS OF THE MEDIA CIRCLES ABOUT PRESSURES ON THE PART OF THE GOVERNMENT

A group of the most outstanding press journalists and editors came out with a press release through which they show their worry about what they call "a new effort to restrict and select the press reports about the political activity of the Government and the coverage of the problems of the political life in the media". Their concern is multiplied due to the approaching of the electoral campaign in Albania.

There is made mention of pressures exerted towards the press in different ways, especially deliberate financial audits, as well as a number of judicial prosecutions against the journalists, accompanied by efforts to create a gap between the publishers and the journalists, which lead to the detriment of the freedom of press.

Te shmangen tensionet

Helsinki: Të shqetësuar pas deklaratës së gazetarëve

Një grup gazetarësh dhe redaktorësh të shtypit nga më të njohurit kanë dalë me një deklaratë të posaçme me anën e së cilës ndjehen të shqetësuar nga ajo që ata e quajnë "një përpjekje e re për të kufizuar dhe seleksionuar raportet e shtypit mbi veprimtarinë politike të Qeverisë dhe pasqyrimin e problemeve të jetës politike në media". Shqetësimi i tyre shprehet që me shumë për shkak të afrimit të fushatës elektorale në Shqipëri.

Fillet për presione në përgjithësi që i bëhen shtypit me mënyra të ndryshme, por shtohen në mënyrë të veçantë kontrollët e qëllimshme financiare, si edhe një numër procesesh gjyqësore ndaj gazetarëve, që shoqërohen edhe me një përpjekje për të krijuar një hendek midis botuesve dhe gazetarëve, çka shkon në dëm të lirisë së shtypit.

KSHH nuk mund të kalojë në heshtje një prononcim të tillë të një grupi gazetarësh nga më të njohurit dhe më të angazhuarit. Ai mund të mos e ndajë me

ta shqetësimin që kanë shprehur publikisht. Me mirë se ata që punojnë në organe të ndryshme të shtypit dhe medias, nuk ka kush e njëj gjëndjen në të cilën ndodhet shtypi dhe problemet me të cilat ballafaqohet ai.

Për këtë arsye, KSHH bën thirrje që kjo çështje të tërheqë vëmendjen e autoriteteve dhe faktorëve të tjerë politikë, në mënyrë që të shmangen tensionet dhe që të krijohen kushte për një veprimtari normale të shtypit të lirë nga çdo lloj presioni e kërcënimi.

KSHH përfiton nga ky rast për të tërhequr vëmendjen edhe për procesin gjyqësor, të cilit i është nënshtruar një gazetar i njohur. Një firmë e madhe e akuzon atë për shpifje dhe i kërkon një dëmshpërblim marramendës. KSHH e quan këtë proces gjyqësor një shfaqje të arrogancës së atyre që e quajnë veten si më të fuqishmit dhe e denoncon atë si një presion të papranueshëm të biznesit të madh mbi median.

Tiranë, datë 14.05.2003

Korrieri 15 maj 2003

ALBANIA

Deklaratë e Komitetit Shqiptar të Helsinkit

Qeveria të shmangë tensionet me mediat

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AHC's reaction published in "Korrieri" and "Albania" Newspapers on 15.05.2003

AHC can't neglect mentioning such a statement by a group of the most outstanding and devoted journalists. It cannot remain silent without sharing the concern they have publicly expressed. There is no one rather than those who work in different bodies of the press and the

media, that know better the situation of the press and the problems it is encountering.

To this end, AHC appeals in order this issue attracts the attention of the authorities and the other political actors, in order to avoid the tensions and create the conditions for a normal activity of the free press by any pressures or threats.

AHC takes advantage of this case to attract the attention about the judicial process a famous journalist is undergoing. A large company has charged him with libel and claims astounding damages. AHC considers this judicial process as a demonstration of the arrogance on the part of the so-called as the most powerful and denounces it as a unacceptable pressure of the large business upon the media.

Tirana, 14.V.2003

THE EX-POLITICALLY PERSECUTED AGAIN VICTIMS OF POLICE VIOLENCE

Article 47 of the Constitution verbally prescribes that the right of peaceful and weapons-free assemblies and participation in them is guaranteed. Besides this, the peaceful assemblies, the premises and the places of public passage-ways are made in compliance with procedures as defined by law.

However a new case of violence use on the part of Police is encountered. Order Forces are entitled to act according to the law when it comes to mass rallies, to take the appropriate measures for their peaceful proceedings, void of excesses. Moreover the rules that impose restrictions about rallies in front of the institutions or prohibit foot passing in the



Article published in "Albania" Newspaper, dated 29.05.2003

public places, are clearly defined. Despite these, AHC affirms that violence has been used against the protestors, and this violence has exceeded the limit of an action in the spirit of tolerance and peaceful communication with the demonstrators. These extreme measures would have been avoided and appeal would have been addressed to the reason and understanding of the protesters that what was meant was not a ban on the peaceful communication in contradiction with the Constitution, but it was that no one can disturb the normal proceedings of the institution and normal life of the citizens.

It is obvious the police at a certain moment has made use of brutal methods. Some participants have been brutally treated and detained at the Police Station, among them an MP of Balli Kombëtar.

That the Police has gone beyond the limits is made clear by the reaction of a spokesman of the Socialist Party who voiced his opinion about the violence used against the ex-persecuted. This attitude is worth-mentioning, but the Socialist Party in power has all the means to put things in order among its own ranks and ask the order forces to be more civilized and moderate with the citizens.

Tirana, 28.V.2003

END UP PRESSURES AGAINST THE JOURNALISTS

AHC received a letter dating May 22, 2003 from the Association of Southern Journalists based in Gjirokatra.

This letter articulates all the concerns for what is called "increased level of the pressure exerted by the politicians towards the representatives of the press and regional media". The complaint presented there is that people vested in power have exerted power and pressure towards some journalists of the local media, because they denounced publicly some corruption cases, which implied as it was said, some representatives of the local and central government and politics.

The letter highlights a new attitude towards the journalists becoming object of investigation on the part of law bodies. Mention is made of one concrete case when a journalist was subject to a civil law suit on the part of the chairman of PBDNJ Vangjel Dule, about some

stories published against him in a minority newspaper. This action is denounced as a case of the violation of the free speech.

AHC is hesitant to pronounce about the core of this issue for as long as it is subject to the judicial examination. The right to address the court is entitled to everyone. On the other side AHC recalls once again to the generally accepted principle that public personalities should be more tolerant, they objectively are more exposed to the criticism appearing in the press.

Tirana, 03.VI.2003

ONCE AGAIN ABOUT PRE-DETENTION ROOMS

AHC correspondent in Shkodra informs about a severe incident that happened on June , 6. 2003 in the pre-detention rooms of the Police Station in Shkodra. There are contradictory versions. The police claims that the order forces entered the cell to get a sick detainee, who the doctor had recommended to be hospitalized. The detainees used this as a pretext to protest against the situation in the pre-detention rooms, especially about the overcrowding. And exactly at this point there was a clash between the detainees and the order forces.

From the data it results that violence has been used by both sides. The police claims to have been assaulted by the detainees in the cell and some policemen were heavily beaten. But other sources rather than that of the police, state that the police insulted loudly the detainees and this caused a quick reaction of the detainees in the other cells who strived to break the cells as well. It is also informed that on the date, June 6, the detainees started their hunger strike.

AHC expresses the opinion that violence used in the sentence-serving rooms is inexcusable. First of all the police has to take care to avoid it. But this incident brings forth the issue that AHC has discussed several times. On the part of the police it is demanded that it enforces the adopted law, according to which the pre- detention rooms are subject to the Ministry of Justice. Besides this, the number of people sentenced by a judicial verdict waiting to be transferred in prisons continues to be higher and they must not be held in police stations.

It is the right time this problem is tackled seriously to find a quick solution.

Tirana, 13.VI.2003

VIOLENCE OF THE MACEDONIAN BORDER BODIES

There have been frequent reports in the press about the extreme measures to the detriment of the Albanian citizens mounting to killings. Recently there have also been such reports in the press.

It is a recognizable right for the state to protect its own borders and prohibit its illegal border-crossing. But a person's life is sacred and every measure is justifiable, but murder is a penal offence if border crossing is not accompanied with threats for the neighbouring state.

What are the harms threatening our neighbouring country Macedonia from attempts to border crossing? Measures taken against a person who crosses the border shall be in right proportions with the act committed by him. Meanwhile killings at the border go beyond any limit.

Such repeated acts on the part of the Macedonian cross-border bodies versus Albanian citizens, besides being a serious violation of human rights, they go in contradiction with the general good-neighbourhood spirit needed to characterize the relationship between Macedonia and Albania.

AHC appeals to the powerful bodies to express their concern to the relevant Macedonian authorities and address this issue as an extremely serious one that can create tensions harming neighbourliness. AHC appeals to the counterpart human rights organizations to exercise pressure on the Macedonian authorities, with the aim of non violating citizens rights and infringing neighbourhood spirit.

Tirana, 20.VI.2003

ANOTHER CASE OF VIOLENCE ON THE PART OF THE POLICE

AHC Correspondent in Elbasan reports about another case of violence use on the part of the law enforcement officials.

The event happened on the date 19.06.2003 in the village of Kosova of the district of Belsh, where the policeman of the prison of Kosova Eduard Shehu used violence against the citizen from the neighbouring village of Seferan. The victim immediately reported this case to the media in Elbasan, where our correspondent got the first information. Later on he made contact with the injured, who put the event as follows. The policeman Shehu asked him to give a lift in the other village in his own vehicle. As soon as he got seated in the car the policeman started to insult his country-fellowman, and then forced him to stop the car and started to fist him as to revenge about a dispute he had had with his brother. The correspondent asked to contact the Directory of the Police in Elbasan, which is well-informed about the event, but couldn't undertake any action because the charged police is under the jurisdiction of the Police Station in Lushnja.

It is worth stressing that the victim after the accident went to Elbasan for an examination in the forensic-medical ambulance. The forensic-medical expert Altin Kenuti issued a certificate particularly on this case certifying the injuries that according to him cause temporary disability.

Tirana, 26.VI.2003

(Other public statements will be published during August 2003)

MONITORING MISSIONS

GREEK MINORITY IN SARANDA

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**(This material is under the process of preparation and will be
published during August 2003)**

VLLAH COMMUNITY IN FIER AND DIVJAKË

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**(This material is under the process of preparation and will be
published during August 2003)**

MONITORING MISSIONS OF AHC CORRESPONDENTS IN CITIES

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**(This material is under the process of preparation and will be
published during August 2003)**

CONTACT AHC NETWORK OF CORRESPONDENTS IN CITIES

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**(This material is under the process of preparation and will be
published during August 2003)**

MONITORING OF THE EXECUTION OF PENAL DECISIONS

During the month of June 2003, in the context of the AHC activities for the monitoring of the criminal verdicts and the improvement of the enforcement procedures, AHC has arranged some meetings with the heads of the different bodies legally authorized to enforce criminal verdicts. Thus, some meetings were held with the Chief of the Court of the judicial district of Tirana, the head of the judicial district of Durres, The Chief Prosecutor of the District of Durres, the Director of the General Bailiff's Directory, the director of the Bailiff's Office in Tirana, the director of the Bailiff's Office in Durres. The aim of these meetings was experience exchange about the execution of the criminal verdicts, problems encountered in the practice of the execution of the criminal verdicts. The meetings were useful and served the work of AHC. A more complete information about the problems of the execution of the criminal verdicts will be drafted after the AHC monitoring in this field is over. This project will be achieved in the context of the Anticorruption initiative of the Civil Society (MSI).

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**(More information on this mission
will be published during August 2003)**

ACTIVITIES IN THE FRAMEWORK OF PROJECTS**ROUND TABLE ON THE GREEK MINORITY IN GJIROKASTRA**

The Albanian Helsinki Committee held several meetings and round tables with the representatives of the public institutions, local experts, minority organizations and other invited participants to discuss on the conclusions of the observations made on the general state of the minorities and minority communities in Albania.

In this context, on May 21st 2003, a round table was held in Gjirokastra city, aiming at presenting the conclusions ACH had drawn from the monitoring activity carried out in May on the state of human rights of Greek minority, guaranteed by domestic and international legislation, living in the cities of Gjirokastra, Saranda and Delvina. The objective of this round table was to discuss and verify the conclusions.

Invited to participate in this round table were representatives of the



From the round table on the Greek Minority

local government, heads of local education, health, and public order institutions as well as representatives of the “Omonia” organization, community, etc, operating in Gjirokastra, Delvina and Saranda, who cooperated with ACH during its monitoring mission.

All participants were involved in active and constructive polemics and discussions.

The most important finding of the monitoring mission, identified once more by this round table, was the good ethnic and religious co-existence of the Greek minority with the rest of the population.

Living conditions, infrastructure development, access of the minority population to the business sector to further economic growth of these areas, were generally evaluated as within positive parameter. Other issues such as improvement of the water supply system,

telecommunication, street infrastructure in mountainous areas, the property issue, etc, were discussed in the general context of the challenges the country is currently facing. Bringing examples of positive experience, the participants in this roundtable concluded that better management of the financial potential of the business minority operating in this area, increase of the contribution of the emigrants, efficient management of town council funds, were necessary in solving the abovementioned problems.

This meeting considered as a very positive fact the continuation of classes taught in Greek for a minimum number of students, reduced due to the massive emigration of families of Greek nationality; while the opening of center schools was viewed as a way to enhance teaching efficiency and quality. Another pending question, raised in this meeting, was accelerating the publishing of history textbooks for the eight-year schools of compulsory education.

The discussion went on by addressing the issue of the participation of minority members in the local government, public administration, public order bodies, judicial structures, etc. Although the “Omonia” organization has continuously complained about this issue, it was found and verified in



From the round table on the Greek Minority

figures the actual active participation of minority representatives in the abovementioned organs, mentioning once more the argument of meeting the required qualifications to perform the appointed duties in these structures.

Intellectual minority members participating in this roundtable mentioned the case of current legislation, which recognizes the minority rights and the difficulty in the de facto observation of their rights. They also expressed their concern on the existence of a kind of “self seclusion” of minority members. Amidst other examples, it was also given the difficulty experienced by children of Greek nationality in learning and using Albanian language, a phenomenon which has its consequences in the children’s future, creating difficulties in their

employment in the Albanian administration, in having a good knowledge of the Albanian legislation, and in the protection of their rights.

The meeting concluded that efforts should be stepped up to widen the scope of minority issues covered by the local media as well as creating some room for reflecting their issues in the public media as well.

The round table discussed all the abovementioned issues in the framework of minority integration in the Albanian society. The participants agreed to present the competent authorities with their suggestion on handling the issues raised in this meeting.

The round table was part of the activities carried out in the framework of the project “Diversity and co-existence of minorities with communities in Albania-an important factor for regional stability”, supported by the Europe Council.

ROUND TABLE ON THE SERB- MONTENEGRO MINORITY IN SHKODRA

AHC arranged some monitoring missions in the area of Serb-Montenegro minority, to closely observe the situation of this minority and the level of the observance of its rights.

The main directions where the interest of the AHC monitors was focused were: cohabitation of the minority with the rest of the population in these areas, observance of the right to education in the mother tongue, living conditions, situation of the health service, etc. representation in the public administration and local power bodies, active participation in the cultural, social and economic life, access to media, preservation and consolidation of ethnic identity, relations with the mother state etc.

To announce the conclusions drawn by the monitoring arranged on the situation and problems of Montenegro minority, observance of minority rights in the context of international and home legislation, Albanian Helsinki Committee arranged a meeting on the date 5.06.2003 in the district of Shkodra.



From the round table on Montenegro minority in Shkodra

In these meeting there were invited representatives of the local government, education, health etc.

The presents discussed about the problems found out by AHC during the monitoring and their conclusions. In the meeting it was highlighted the need

of reviewing the problem of education in the mothertongue for the minority area. AHC assured to forward the problem to the Ministry of Education and Science. Also AHC will suggest to the leading bodies of Albanian Public Radio- Television to give access to a space for the Montenegro minority in the local electronic media coverage.

Based on the previous meetings with the representatives of the Montenegro minority, local administration, communes and based on the field-monitoring, AHC reached the conclusion that there exists a good cohabitation, feeling of tolerance, understanding and emancipation in the relationship between the Montenegro minority and the rest of the population. There were no cases of discrimination or disparity relationship or maltreatment on grounds of nationality.

Members of this minority had no problems with the law due to their ethnic belonging, Moreover there have been no cases of conflict with the rest of the population. Traditionally, the relationships with the non-minority population are very good.

The economic situation of the minority inhabitants is presented at a satisfactory level. There are problems with infrastructure, telephone communications etc. in the overall context of the problems of the country.

The villages where minorities live are provided with health centers and the necessary health context.

Based on the Context-Convention for the Protection of National Minorities, they (the minorities), are entitled to education in their own language. In the area of minority (Vraka) as well as the town of Shkodra, due to the lack of the accurate data about the number of minority

children as a condition to meet the necessary requirements for opening and sustaining the school in the mother tongue, there is no such school.

On the part of the representatives of the association "Moraça Rozafa", claims have been raised as to increase the participation of the representatives of the minority in the public administration and local power bodies.



From the round table on Montenegro minority in Shkodra

Also, the representatives of the association "Moraça Rozafa" came out with the idea to organize a round table with representatives from the Albanian community in Montenegro and Montenegro community in Albania for an exchanging of opinions regarding problems and achievements that the respective communities has achieved for a better respecting of minorities' rights.

Round tables on the Greek and the Montenegro minority were realised in the framework of the project "Diversity and coexistence of minorities and communities in Albania- a significant factor for the stability in the region", supported by the Council of Europe

ACTIVITIES IN COLLABORATION

PRESS CONFERENCE

On the day of June 26 - United Nations Day Against Torture, the Albanian Helsinki Committee, the Albanian Rehabilitation Center for Torture & Trauma and "MJAFT" ("STOP") Campaign organised a common press conference for sensitizing the Albanian public opinion on torture phenomena as a flagrant human rights violation. Below follows the speech held during the press conference.

STOP TORTURE

June 26 - United Nations Day Against Torture

United Nations Convention Against Torture was ratified on June, 26, 1987. Every year this day is commemorated to bring to the public opinion attention the need for a joint and multidisciplinary counter-reaction versus torture issue.

Albanian Helsinki Committee, Albanian Center for Trauma and Torture Rehabilitation and "Stop" Campaign organize this press release, with the aim of promoting a wider commitment of the entire Albanian society combating this phenomenon that constitutes a flagrant violation of the Human Rights and Fundamental Freedoms.



During the Press Conference

Actually the Republic of Albania is a party in two international acts related to the issue of the use of torture and other forms of antihuman and humiliating maltreatment.

a. Convention against Torture and punishment or other cruel, inhuman or humiliating treatments was adopted by the General Assembly in December 1984.

b. European Convention about Prevention of Torture and the inhuman and humiliating treatment adopted by the member states of the Council of Europe, November 1987.

Article 25 of the Constitution of the Republic of Albania states: *"No one shall be subject to torture, punishment or inhuman and humiliating treatment". Furthermore the Code of the Penal Procedure of the year 1995 also textually prescribes this prohibition in Article 5 by assuming the definition in the Constitution.*

Based on the inter-national or national legislation, the Albanian State and the relevant bodies have a main duty to respect these provisions. Under the communist rule, torture and other forms of maltreatment were widely practised, especially towards the political convicts.

Nowadays the relevant bodies first of all those related to persons in contact with justice must have a continuous consideration of this problem. Although the situation has radically changed; there have been frequent violations of this principle and this constitutional provision.

Through this conference, our organizations appeal to the state structures, local civil society and the general public opinion as well for an ongoing work at different levels such as suing people that exercise violence, paying damages and indemnities to the victims of torture, rehabilitating psycho-socially and physically these victims, training police and prison and detention rooms staff, as well as promoting education of human rights for everyone.

Once again we appeal for a joint cooperation of individuals, organizations and state institutions against this phenomenon.